

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL ACTION NO. 10-480
: :
v. : :
: :
ANTHONY GAGLIARDI : CRIMINAL ACTION NO. 04-796

ORDER

AND NOW, this 1st day of June, 2010, upon consideration of Defendant Anthony Gagliardi's *pro se* Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (Crim. Docket No. 225) and all response thereto, **IT IS HEREBY ORDERED** as follows:

1. Defendant's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED WITH PREJUDICE**.
3. As Defendant has failed to make a substantial showing of the denial of a constitutional right, there is no basis for the issuance of a certificate of appealability.
4. The Clerk is directed to **CLOSE** Civil Action No. 10-480.

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.